

REMARKS

Claims 1-43 were pending in the present application. By virtue of this response, claim 34 is added. Support for claim 34 can be found in paragraph [0062] of the application as well as claim 1. Accordingly, claims 1, 34-44 are now currently pending with claims 41-43 being withdrawn.

Applicants respectfully request examination of the elected subject matter on the merits.

Rejection under 35 U.S.C. §102

Claims 1, 34-35, and 38-39 stand rejected under 35 U.S.C. §102(b) as being anticipated by Ginsburg (4,873,978). Applicant disagrees.

The Office Action states that the Ginsburg device recites “an expandable scaffold which resembles as a generally ‘U’ shaped expandable arrangement 14 which locates at distal end of the deliver wire.”

Applicant disagrees.

As noted in column 2, lines 51-64, Ginsburg teaches “the strainer device 14 is capable of assuming an opened configuration (FIG. 3) where it extends substantially across the interior lumen of a blood vessel BV so that it is able to capture emboli E flowing through the vessel. Alternatively, the strainer device 14 is capable of assuming a closed configuration (FIG. 2) where it is withdrawn from the interior wall of the blood vessel and enclosed about any emboli E which had been entrapped while it was in its opened configuration. The strainer device 14 will be in the closed configuration of FIG. 2 whenever it is to be simultaneously inserted or withdrawn together with the catheter body 12.” Clearly, the strainer device 14 is in a linear arrangement where one end of the strainer device expands or contracts depending on its relation to the catheter body. Applicant is unable to find any teaching where the Ginsburg strainer device is in a “U” shape or a generally loop-shape. Furthermore, applicant is unable to find any teaching where the Ginsburg strainer device comprises two proximal ends each having a first diameter, and where the device tapers into a second larger diameter at a distalmost end of a loop.

In view of the above, applicant believes Ginsburg fails to anticipate claims 1, 34, or 44 as well as any claim ultimately dependent therefrom. As such, applicant requests withdrawal of this rejection with respect to claims 1, 34-35, 38-39, and 44.

Rejection under 35 U.S.C. §102

Claims 1, and 34-40 stand rejected under 35 U.S.C. §102(e) as being anticipated by Greenhalgh (6,346,117)). Applicant disagrees.

On page 3, the Office Action states that Greenhalgh discloses a device having “a delivery wire 32 [with] a proximal end and a distal end, [and] an expandable scaffold which resembles as a generally “U” shaped expandable arrangement 42 which locates at distal end of the delivery wire. . . .” However, throughout the specification, Greenhalgh teaches that element 42 is a bag. See e.g., column 6, lines 27-29: “FIG. 3 shows a bag 42 suitable for use with the above described aneurysm treatment technique. Bag 42 preferably comprises a sleeve 44 defining an enclosed space 46”

Applicant is unable to find any teaching or suggestion in Greenhalgh where the bag 42 is folded in a “U” shape or a generally loop-shape. Furthermore, applicant is unable to find any teaching where the Greenhalgh bag comprises two proximal ends each having a first diameter, and where the device tapers into a second larger diameter at a distalmost end of a loop.

In view of the above, applicant believes Ginsburg fails to anticipate claims 1, 34, or 44 as well as any claim ultimately dependent therefrom. As such, applicant requests withdrawal of this rejection with respect to claims 1, 34-40, and 44.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the appropriate fee and/or petition is not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to Deposit Account No. 50-3973 referencing Attorney Docket No. NGMDNZ00200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Bagade', is written over a horizontal line.

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